

***ATTACHMENT 3 -- CA Department of Parks and Recreation –
Science Review Correspondence and Contributions to BLM's
EIS Process and Alternative Development***

Attachment #3 - CA Department of Parks and Recreation - Science Review Correspondence and Contributions to BLM's EIS Process and Alternative Development

During this planning process, BLM has sought participation by the public as well as local and state agencies. As a result, the Off-Highway Motor Vehicle Recreation (OHMVR) Division of California State Parks and others have participated actively in the process throughout this multi-year effort. Many public comments on the Draft RMP/EIS called for independent studies to be completed prior to making a final decision regarding off-highway vehicle use on CCMA public lands. The OHMVR Division requested that BLM wait until an independent asbestos exposure study in the CCMA could be prepared before issuing the CCMA Proposed RMP and Final EIS. The BLM agreed to the Division's request, and on March 22, 2011 they released the report, titled "Preliminary Analysis of the Asbestos Exposures Associated with Motorcycle Riding and Hiking in the Clear Creek Management Area (CCMA) San Benito County, California." The report was completed by scientists from the International Environmental Research Foundation (IERF), and is linked on the OHMVR Division's website:

http://ohv.parks.ca.gov/pages/1140/files/ierf_ccma_final_3_8_11-web.pdf.

After the study was published, BLM, CA DPR, and other agencies worked together to evaluate the information provided in the study prepared by IERF and the EPA risk assessment to identify areas of agreement and determine a strategy to develop adaptive management criteria for BLM to incorporate new information into travel management plans for the CCMA to allow additional vehicle use in the Serpentine ACEC.

Upon release of the IERF study, BLM was asked to address their findings in a series of interagency discussions and public meetings, including several San Benito County Board of Supervisors meetings, and a California Off-Highway Vehicle Commission meeting located in Hollister, CA and scheduled on April 5, 2011 in a well-attended public forum to focus on the asbestos exposure studies and discuss health risk information with agency officials and IERF scientists. Subsequently, BLM received a letter from the Director of California Department of Parks and Recreation that addresses the integrity of the EPA risk assessment. A copy of the letter is included in Attachment 3 on the following pages.

Another interagency meeting with scientists from BLM, EPA, DTSC, and IERF and EPA was held on May 29, 2012 to identify any remaining agency concerns and opportunities for additional research to be incorporated into travel management plans for the CCMA to allow additional vehicle use in the Serpentine ACEC. In Attachment 3 (Volume II, Appendix X) a letter from the OHMVR Division dated November 19, 2012 outlines the areas of agreement and opportunities for further study.

As described in Attachment 3, BLM and other agency officials agreed that the EPA risk assessment and the IERF report both highlighted the need for further research to determine effective strategies to reduce risk to CCMA visitors. Therefore, the preferred alternative located in section 2.5.3 of the PRMP/FEIS identifies the following "adaptive management criteria" that would allow the BLM management flexibility to modify OHV use restrictions and/or limits on roads and trails available for motorized use in the ACEC, should significant new information become available.

- o Activity based studies that establish effective strategies for reduction in personal exposure to asbestos from off-highway vehicle recreation.
- o Research results in a significant reduction in the toxicity values for asbestos resulting in a reduced excess lifetime cancer risk.
- o Chrysotile asbestos is removed from the list of Toxic and Hazardous regulated substances.

Should any of these criteria be met, BLM would reassess health risks associated with exposure to asbestos in the ACEC and determine the need for adaptive management that may modify recreation use limitations included under the preferred alternative in this proposed RMP. At a minimum, the BLM will re-examine the body of peer-reviewed data available on this subject within three years following issuance of a record of decision for the CCMA RMP.



(916) 653-8380

11 SEP -2 PM 2:36

August 30, 2011

The Honorable Doc Hastings
Chair
United States House of Representatives
Committee on Natural Resources
1203 Longworth House Office Building
Washington, DC 20515

The Honorable Ed Markey
Ranking Member
United States House of Representatives
Committee on Natural Resources
2108 Rayburn House Office Building
Washington, DC 20515

The Honorable Rob Bishop
Chair
United States House of Representatives
Subcommittee on National Parks,
Forests, and Public Lands
123 Cannon House Office Building
Washington, DC 20515

The Honorable Raúl Grijalva
Ranking Member
United States House of Representatives
Subcommittee on National Parks,
Forests, and Public Lands
1523 Longworth House Office Building
Washington, DC 20515

Dear Chair Hastings, Ranking Member Markey, Chair Bishop, and Ranking Member Grijalva,

I am writing to comment on a letter sent by the Off Highway Vehicle Commission on July 21, 2011. The commission articulated their concerns about restrictions to off highway vehicle recreation opportunities at the Clear Creek Management area imposed by the Bureau of Land Management. In particular they expressed many concerns with the findings of a recent Environmental Protection Agency (EPA) study on the potential harm that might come from exposure to naturally occurring asbestos in the serpentine soils of the area. This Commission is charged to promote safe and responsible off highway vehicle opportunities. They take this mission seriously and that includes seeking to minimize restrictions on historic recreation.

While I do not wish to take issue with any of the specifics of their claims, I want to take this opportunity to clarify that the Commission is an independent body comprised of gubernatorial appointees (5), as well as appointees from the Senate (2), and Assembly (2). As such, the views of the Commission are theirs alone and do not necessarily reflect the views of the Administration. In particular, the Administration does not share the view articulated in the letter that "the approach taken by the EPA is not consistent with President Obama's Memorandum on Scientific Integrity". The Administration believes that the EPA report does reflect appropriate scientific methods and scientific integrity.

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August 30, 2011
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We do not expect parties to agree on conclusions or methodologies, and it is entirely appropriate for the public to engage in reasonable debate. We do not, however, believe that any party operated without scientific integrity.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ruth Coleman".

Ruth Coleman

cc: Subcommittee on National Parks, Forests and public Lands
Sam Farr, US House of Representatives California
Devin Nunes, US House of Representatives, California
Dianne Feinstein, US Senator, California
Barbara Boxer, US Senator, California
Ken Salazar, Secretary of the Interior
Bob Abbey, Director, Bureau of Land Management
Peter Ditton, Acting California State Director, BLM
Rick Cooper, Field Manager, Hollister Field Office, BLM
Lisa P. Jackson, Administrator, US EPA
Jerelean Johnson, Remedial Project Manager, US EPA Region 9
Luis Alejo, California State Assembly, 28th District
David Valado, California State Assembly, 30th District
Anthony Canella, California State Senate, 12th District
Michael Rubio, California State Senate, 16th District
Jared Blumenfeld, Regional Administrator, US EPA, Region 9
John Laird, Secretary, California Natural Resources Agency
Daphne Greene, Deputy Director, OHMVR Division
Off-Highway Motor Vehicle Recreation Commissioners



State of California • The Natural Resources Agency

Edmund G. Brown Jr., Governor

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Off-Highway Motor Vehicle Recreation Division
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Major General Anthony L. Jackson,
USMC (Ret), Director

November 19, 2012

Rick Cooper, Hollister Field Manager
Bureau of Land Management
20 Hamilton Court
Hollister, CA 95023

Subject: May 29, 2012 Meeting – BLM and OHMVR Clear Creek Management Area

Thank you for your participation in the meeting of May 29, 2012, held at the Off-Highway Motor Vehicle Recreation Division office in Sacramento. The summary minutes from the meeting are attached. The discussion regarding the basic scientific issues underlying the Clear Creek Management Area (CCMA) studies were helpful and informative to all in attendance. The discussion notes identify areas of agreement and define some areas of concern among the group.

As BLM proceeds with the completion of the CCMA Resource Management Plan (RMP) decision process, the Division asks that the BLM make provisions in the RMP to continually evaluate new scientifically sound information and adapt management options accordingly.

Regards,

Philip B. Jenkins
Acting Deputy Director

Enclosure

cc: James G. Kenna, BLM State Director
Angie Lara, BLM Associate State Director
Este Stifel, BLM Central California District Manager

Summary – CCMA
5/29/12

A. Areas of Agreement

1. Activity Based Methodology is an effective approach
2. Location under discussion is the area within the ACEC Boundary
3. Staging/Camping No Longer Occur - Agreed it is appropriate to disregard risk factors related to staging/camping within the ACEC in future risk calculations
4. Capping does reduce risk, but would still need to be monitored and measured to determine exposure as time goes on
5. Key Elements to evaluate risk: Duration, Frequency, and Concentration
6. Lead Rider is exposed to much less risk

B. Areas of Concern

1. Trailing Rider Effect
 - Normal riding styles – are there possibilities to lower risk?
 - o Require distance between riders?
 - Is trailing rider effect less pronounced on trails than it is on roads?
 - At what distance does trailing rider receive significantly less exposure?
 - o Would using monitors in helmet provide significantly lower exposure levels than monitors placed on chest?
2. “Wet Season Riding”
 - No consistent rain patterns at CCMA
 - How much rain, and at what frequency, would there need to be to significantly reduce risk factors? No solid information in this regard has been collected.
3. Clear Creek Road – Road vs. Trail riding
 - Riders avoid dust trail when riding on trails, but encounter higher levels of dust when riding on roads. Data in the existing studies does not provide the ability to support if riders on trails experience lower levels of exposure or not.
 - o Capping road may be a solution
 - Exposure levels after capping would need to be evaluated. New risk calculation could possibly be made based on trail riding exposure levels and reduced exposure on roads.
 - The relative distances traveled on roads vs. traveled on trails and the resulting reduction in risk that might be expected from capping the roads needs to be evaluated.

C. Opportunities for additional research

- Rider behavior to avoid dust & areas where most dust would be encountered – roads vs trails & the efficacy of capping roads.
- Efficacy of 1-way roads & trails to limit dust.
- Climate studies of the areas rainfall patterns. Soil studies on moisture content and generation of dust.
- Further research to evaluate risk during moist conditions in the days and weeks following a rain event.